IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

TAKEN UP WRIT PETITION NO.1403 OF 2007

Dated : February 1, 2007

Between:

Smt. Naseem Pathan

Petitioner

AND

The Superintendent,
Central Jail, Rajahmundry,
East Godavari District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

TAKEN UP WRIT PETITION NO.1403 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'petition', dated 28.12.2006, by one Smt. Naseen Pathan, W/o. Doulath Khan, H.No.19-3-262/A/13, Mustafa Nagar, Hyderabad, to the Hon'ble the Chief

Justice, High Court of Andhra Pradesh, Hyderabad, that her husband, who is detained as a life convict and lodged in the Central Jail, Rajahmundry, East Godavari District, has been denied the benefit of being released by the Superintendent of the said Central Jail, even after undergoing the sentence in full, after deducting remission period and the remand period.

3. On notice being issued, by this Court, the Superintendent, Central Jail, Rajahmundry, East Godavari District, filed counter-affidavit stating, *inter alia*, that the prisoner is a life convict and was initially lodged in Cherlapally Central Jail, Ranga Reddy District, and subsequently, transferred to Central Prison, Rajahmundry, on 02.10.2005, on administrative grounds. Other contentions of the petitioner have been denied in toto. He further stated that in the committal warrant, dated 15.03.1985, issued by the I Additional Metropolitan Sessions Judge, Hyderabad, in S.C.No.20 of 1984, since no remand period was recorded, the question of giving remission in the life sentence does not arise and accordingly, the husband of the petitioner is not eligible for any remission and that since the husband of the petitioner has overstayed on furlough for a period of 14 years, 5 months and 15 days, his name had been removed permanently from the remission rolls, as per the proceedings No.SA4/404/2004, dated 21.5.2004, and hence he is not entitled for any remission in the life sentence.

4. Having regard to the facts narrated in the counter-affidavit, no relief can be granted to the husband of the petitioner and consequently, the writ petition is liable to be clsoed.

5. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order

as to costs.

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D.S.R.Varma, J.

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P.Lakshmana Reddy, J.

01ST FEBRUARY 2007
MAS/KRK